

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 6TH NOVEMBER 2007 / 15TH KARTHIKA 1929

Bail Appl..No. 6729 of 2007()

CRIME NO. 382/2007 of NOORANAD POLICE STATION

PETITIONERS

1. V.S.SUDHEERAN, S/O SIVARAMAN,
VALUTHUNDIL, EDAPPON.
2. C.S.SUNILKUMAR, S/O CHELLAPPAN,
SUNILKUMAR BHAVANAM, EDAPPON.
3. S.SAJEEV, S/O SADANANDAN,
SAJEEV BHAVANAM, CHERUMUKHA.
4. C.VIJAYAN, S/O CHELLAPPAN,
RENJANALAYAM, CHERUMUKHA.

BY ADV. SRI.RASHEED C.NOORANAD

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY ADV. SRI. JAI GEORGE, PUBLIC PROSECUTOR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 06/11/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R.BASANT, J
= = = = =
B.A.No. 6729 of 2007
= = = = =

Dated this the 6th day of November, 2007

ORDER

Application for anticipatory bail. Petitioners are accused 1 to 4. Altogether there are only four accused persons. The alleged incident took place on 23.10.07. All the offences alleged in the F.I.R are bailable. But subsequently offence under Section 326 IPC has also been included after realising that the victim has suffered a fracture. Accused persons had allegedly, on account of prior animosity, attacked the victim with an iron rod resulting in a grievous hurt to him. The alleged incident took place on 23.10.07. Investigation is in progress. The petitioners apprehend imminent arrest.

2. The learned counsel for the petitioners submits that the allegations are false. The petitioners are in no way connected with the crime. No proper motive is even alleged in the F.I statement. In these circumstances, the petitioners may be granted anticipatory bail, submits the learned counsel for the petitioner.

3. The learned Public Prosecutor opposes the application.

This is a fit case where the petitioners must appear before the learned Magistrate and seek regular bail in the ordinary and normal course, submits the learned Public Prosecutor.

4.Having considered all the relevant inputs, I find merit in the opposition by the learned Public Prosecutor. There are no features in this case suggesting the need for invocation of the extraordinary equitable discretion under Section 438 Cr.P.C. This is a fit case where the petitioner must appear before the learned Magistrate and seek regular bail in the ordinary and normal course.

5. In the result, this petition is dismissed. I may however, hasten to observe that if the petitioners appear before the Investigating Officer or the learned Magistrate and apply for bail,after giving sufficient prior notice to the Prosecutor, the learned Magistrate must proceed to pass appropriate orders on merits, in accordance with law and expeditiously.

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE

